

Applicant: Tracey L. Caveness
Application Serial No. 09/923,894
Filed: August 7, 2001
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REMARKS

In response to the Office Action of December 4, 2003, Applicant has amended claims 1, 8 and 15 and has added claims 21 through 23, to better define the present invention. Due to the previous cancellation of claims, it is believed that no fee is due for the addition of claims 21 through 23.

Further prosecution of the present application and reconsideration and withdrawal of the rejections of the claims is respectfully requested.

The present invention concerns a packaged towel that permits the user to have and use a clean dry towel that can be stored in a minimum amount of space and requires no cleaning or further care after use. The towel is generally tightly sealed, and in one embodiment vacuum sealed, within a substantially gas impermeable material. The gas impermeable material does not let air in or out through the material. The seals of the package typically are of a type that cause the package to be sealed tightly to the goods (here a clean towel) such that opening the package is somewhat difficult. Opening the package is difficult as the package material cannot be lifted from the product to assist in tearing the package open. The sealing of the package, and the maintaining of the tight wrap about the product, is necessary to maintaining the product in a pristine condition and in a compact form. It is desirable to provide certain products, such as clean towels, in packaging where the appearance clearly demonstrates the unused, pristine nature of the product. Further, it is desirable to maintain the package in a compact form so that a plurality of product can be stored together in a smaller storage facility than would otherwise be available to full sized cloth towels typically used and for which the present invention offers an alternative. Any openings made in the product prior to use by the ultimate user, will effect the

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cleanliness of the towel and its perception as a clean towel. Further, such opening could affect the compact nature of the towel.

The office action has rejected claims 1 and 15 under 35 U.S.C. §103(a) as being unpatentable over Cope et al. (U.S. Patent No. 3,716,961) in view of Montepiani et al. (U.S. Patent No. 6,260,705). The '961 patent is directed to the sterilization of products in a package setting. An item is placed in the package, made of gas permeable materials, along with a sterilization agent. As the agent permeates the package and sterilizes its contents, the sterilization agent is allowed to escape through the walls of the package so that the sterilant concentration within the package is reduced. A gas impermeable material would not allow the sterilant to escape and would thereby provide too much sterilant to the item being sterilized. *Cope et al. specifically teaches the use of a gas-permeable package.*

With respect to claim 1, Cope et al. does not teach substantially gas impermeable materials and instead teaches the use of gas permeable materials. Further, Cope et al. requires the addition of a sterilant to complete the packaging, while the device of the present invention, as now claimed, requires that the sealed package remain sealed until used, by the ultimate user.

The Office Action notes that Cope et al, with the addition of the teaching of Montepiani et al., discloses a means for opening including a perforation. However, as noted above, Cope et al, does not teach the package of the present invention and the inclusion of a perforation in the package taught by Cope et al. will not add the gas impermeable material lacking therein.

With respect to Claim 15, while the Office Action notes that Cope et al teaches the use of vacuum sealing, the specification notes the use of gas permeable materials and that after vacuum sealing the sterilant *escapes* the package at a rate conducive to sterilization of the materials held

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therein. The specification notes, column 6, lines 52-56 and 61-66, that a vacuum sealed package, which obviously leaks sterilization material through the package, needs to be placed in a ventilated room:

The conditions in this holding area are not critical except that it should be well ventilated. Ventilation is necessary to prevent the build-up of sterilant concentrations greater than the toxic or flammability thresholds for the sterilant used. *** Sterilant concentration build-ups are likely to occur if the holding area is not ventilated because the sterilant is heavier than air and thus will tend to settle and fill a room from the bottom to the top.

Clearly, the sheet materials taught by Cope et al. permit the gas to escape from within the package. The vacuum sealing of Cope et al., as described in the specification, is made so that the sterilant flows more quickly over the entire item to be sterilized on its way out of the package.

The Office Action notes that the Cope et al. does not teach a pull string, but that Montepiani et al. does disclose a pull string. However, the teaching of a pull string does not cause the combination to make the device of the present invention obvious. Montepiani et al. does not teach the use of gas impermeable materials such that a person having skill in the art would be caused to combine the references.

The Office Action has rejected claims 2 and 16 under 35 USC section 103(a) as being unpatentable over Cope-Montepiani in view of Fazio (US Pat. No. 5,082,707). However, as noted above the combination of Cope-Montepiani does not teach the present invention, the addition of a reference that teaches a folded towel, does not make the device of the present invention obvious.

The Office Action has rejected claims 1 and 15 under 35 USC section 103(a) as being unpatentable over Taylor (Des. 363,023) in view of Cope et al. As noted above, Cope et al.

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teaches the use of *gas permeable* materials and its combination with the teachings of a design patent would not make the present device obvious. Further, with respect to claim 15, the inclusion of the pull string of Taylor does not make the present invention obvious, as noted above.

The Office Action has rejected claim 7 under 35 USC 103(a) as being unpatentable over Taylor-Cope in view of Ravich (US Pat. No. 3,889,804). As noted above, the device of the present invention is not made obvious by Taylor-Cope; the teachings of Ravich, that is the addition of moisture to the towel, would not make claim 7 obvious as the remaining structure is not taught by this combination.

The Office Action has rejected claims 8, 9 and 14 under 35 USC 103(a) as being unpatentable over Kasianovitz et al. (US Pat. No. 5,616,337) in view of Cope et al. As previously noted, Cope et al. teaches away from the gas impermeable packaging of the present invention, the addition of the teachings of Kasianovitz et al. to Cope et al., does not make the present invention obvious. Cope et al. does not teach the permanent removal of air (until use) that the present invention teaches.

Applicant notes that the fee for a two month extension of time and a petition requesting such an extension are enclosed with this reply. Applicant believes that no other fee is due in connection with this response. If, however, there is a fee due the Commissioner is hereby authorized to charge the unpaid amount, or credit any overpayment, to Deposit Account No. 23-0920. Further, if the enclosed petition is inadequate, for whatever reason, or if a further petition is necessary, Applicant hereby requests that this document be considered such a petition and that any additional fee be charged to the deposit account noted above.

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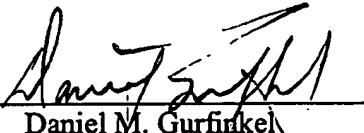
Further prosecution is respectfully requested. Reconsideration and withdrawal of the rejections of the claims is respectfully requested. A sincere effort has been made to overcome the Examiner's rejection and to place the application in allowable condition. Applicant invites the Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Dated: April 29, 2004

Respectfully submitted,

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